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**FACSIMILE MESSAGE**

Date **March 1, 2002**

To: **Receptionist Group Unit 2672**

Fax No.: **1 703 308 6606**

Subject: **United States Patent Application Serial No. 09/112,777**  
**Inventor/Assignor: Kia Silverbrook and Paul Lapstun**  
**Assignee: SILVERBROOK RESEARCH PTY LTD**

Our Ref: **ART24US**

Total Number of Pages (including this) **7**

Attached is an amendment in response to an Office Action from Examiner, Motilewa-Good-Johnson dated September 6, 2001.

Regards

**Leonie News**  
**Silverbrook Research Pty Ltd**

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PTO/SB/21 (6-98)  
Approved for use through 09/30/2000. OMB 0651-0031  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

*(to be used for all correspondence after initial filing)*

Total Number of Pages in This Submission

Application Number	09/112,777
Filing Date	July 10, 1998
First Named Inventor	Kia Silverbrook
Group Art Unit	2672
Examiner Name	Motilewa Good-Johnson
Attorney Docket Number	ART24US

### ENCLOSURES (check all that apply)

- Fee Transmittal Form
- Fee Attached
- Amendment / Response
  - After Final
  - Affidavits/declaration(s)
- Extension of Time Request
- Express Abandonment Request
- Information Disclosure Statement
- Certified Copy of Priority Document(s)
- Response to Missing Parts/ Incomplete Application
- Response to Missing Parts under 37 CFR 1.52 or 1.53

- Assignment Papers (for an Application)
- Drawing(s)
- Licensing-related Papers
- Petition Routing Slip (PTO/SB/69) and Accompanying Petition
- Petition to Convert to a Provisional Application
- Power of Attorney, Revocation Change of Correspondence Address
- Terminal Disclaimer
- Small Entity Statement
- Request for Refund

- After Allowance Communication to Group
- Appeal Communication to Board of Appeals and Interferences
- Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- Proprietary Information
- Status Letter
- Additional Enclosure(s) (please identify below)

Remarks

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### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Kia Silverbrook c/- Silverbrook Research Pty. Ltd. 393 Darling Street, Balmain NSW 2041, Australia
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Signature

Date

March 1, 2002

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

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PTO/SB/17 (11-01)

Approved for use through 10/31/2002. OMB 0851-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 460)

## Complete If Known

Application Number	09/112,777
Filing Date	July 10, 1998
First Named Inventor	Kia Silverbrook
Examiner Name	Motilewa-Good-Johnson
Group Art Unit	2672
Attorney Docket No.	ART24US

## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money Order  Other  None

## Deposit Account:

Deposit Account Number	
Deposit Account Name	

The Commissioner is authorized to: (check off that apply)

- Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) during the pendency of this application  
 Charge fee(s) indicated below, except for the filing fee  
 In the above-identified deposit account

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
101 740	201 3/0	Utility filing fee	
106 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 160	214 80	Provisional filing fee	

SUBTOTAL (1) (\$)

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
			-20** =	X	
			-3** =	X	

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
103 18	203 9	Claims in excess of 20
102 84	202 42	Independent claims in excess of 3
104 280	204 140	Multiple dependent claim, if not paid
109 84	209 42	** Reissue independent claims over original patent
110 18	210 8	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

\*\* or number previously paid, if greater; For Reissues, see above

## 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for ex parte reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	460.00
117 920	217 480	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 640	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 480	243 230	Design issue fee	
144 620	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
128 180	128 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 740	248 370	Filing a submission after final rejection (37 CFR § 1.129(a))	
148 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	
179 740	278 370	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination or of a design application	
Other fee (specify) _____			

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 460.00)

## Complete If Applicable

SUBMITTED BY	Name (Print/Type)	Registration No. (Attorney/Agent)	Telephone	Address
	Kia Silverbrook		+612 9818 8633	
Signature	<i>Kia Silverbrook</i>		Date	March 1, 2002

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**In the United States Patent and Trademark Office**

Serial Number: 09/112,777  
Application Filed: July 10, 1998  
Applicant: Kia Silverbrook and Paul Lapstun  
Application Title: Producing Automatic "Painting" Effects in Images  
Examiner/GAU: Motilewa-Good-Johnson/GAU 2672

Dated March 1, 2002  
At: Balmain NSW Australia  
Docket No. ART24US

## **AMENDMENT C**

**Assistant Commissioner of Patents  
Washington, D.C. 20231**

Dear Sir:

In reply to the Official Action of 6 September 2001, the Applicants make the following submissions.

The Examiner rejects all claims pending under 35 U.S.C. 103 (a) as being unpatentable over Arias while admitting that "Arias fails to disclose brush strokes per se." asserting "it would have been obvious to one of ordinary skill in the art at the time of the invention that in paint rendering, brush strokes are a commonly used tool." The Examiner refers to col 8, lines 15-30 in Arias in anticipating claim 1 or claim 2 or col 13, lines 25-44 in anticipating claim 3 and another reference which is missing regarding anticipation of claim 4. The Examiner has not supported the assertion and the Applicants request under 37 C.F.R. Section 1. 107 (b) (1993) that the examiner provide an affidavit if this is asserted from their own knowledge or that they provide a citation to support the asserted level of skill in the art. In the absence thereof the Applicants argue that the rejection is improper per se. In the absence of such citation or affidavit there is no record by which the Applicants can argue that the Examiner has erred.

Moreover, the Applicants respectfully submit that Arias is not relevant art in that it relates to creating animations whereas the claimed invention, when read in the context of the specification as a whole, relates to still images. In Arias the production of cel images requires specific characteristics to be met, for example as set out in col 1, line 10-col 2, line 18 in order to produce animated scenes. The claimed invention is concerned with processing a single image to have a particular effect of brush stroking, a feature lacking entirely from Arias but presumed obvious by the Examiner.

The Applicants respectfully submit that there is no basis to conclude that applying brush stroking to Arias would not destroy the "toon" effect sought in Arias and that Arias is applicable to achieve the result of the claimed invention.

In view of the foregoing it is respectfully contended that all claims now pending in the above identified Patent Application recite a novel and not obvious method which is patentably distinguishable over the prior art. Accordingly, withdrawal of the outstanding rejection and the allowance of all claims now pending are respectfully requested and earnestly solicited.

Very respectfully,

Applicant:



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